

11/19/01

JC945 U.S. PTO

104

UTILITY PATENT APPLICATION TRANSMITTAL

- (for new non-provisional applications under 37 CFR 1.53(b))

DUPLICATE ☐

Atty. Dkt. No: 5259-03702

Inventor(s): Freid, et al.

Title: SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE

**CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. 1.10**

"Express Mail" mailing label number: EL726370206US

DATE OF DEPOSIT: November 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner for Patents
Box Patent Application
Washington, DC 20231

Derrick Brown

<input checked="" type="checkbox"/> Continuing Application	<u>Continuation</u>	of prior application No.:	09/479,458
Inventor(s)	Jim Freid, Michael E. Landry, and Erik J. Wagner	Filed:	January 6, 2000
Title:	SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE	Examiner: P. Philogene	
		Group/Art Unit: 3732	
		Assignee: Spinal Concepts, Inc.	
		Recorded at Reel 010732, Frame 0443	

Power of Attorney in Prior Application: Eric B. Meyertons
CONLEY, ROSE, & TAYON, P.C.
P.O. Box 398
Austin, TX 78767

Application Elements

1. ☒ Filing Fee

The filing fee is calculated as shown below.

Total Claims	64	-20=	44	x \$18.00=	\$792.00
Independent Claims	5	-3 =	2	x \$84.00=	\$168.00
Multiple Dependent Claims				Fee:	
Basic Fee:					\$740.00
Sub-Total:					\$1700.00
Reduction by 50% for Small Entity:					\$850.00
Total:					\$850.00

- ☒ A Fee Authorization Form in the amount of \$850.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Conley, Rose, & Tayon, P.C., Deposit Account No. 501505/5259-03702/EBM.

2. ☒ Specification

Enclosed are:

 Total Pages, or

1 Title Page; 23 pages of specification; 21 pages of claims (claims 1-130); 1 page Abstract.

3. ☒ Drawings

☒ Enclosed are Formal Drawings (Figures 1-40) on 11 sheets.

☐ Enclosed are Informal Drawings (Figures - on sheets.

4. ☒ Oath or Declaration

☐ Newly executed

☒ Enclosed is a copy of the Oath or Declaration from above-referenced prior application (see 37 C.F.R. § 1.63(d)) (2 pages).

5. ☐ This application is filed by fewer than all the inventors named in the prior application

☐ Delete the following inventor(s) named in the prior non-provisional application:

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. ☒ The entire disclosure of the prior application is considered to be part of the accompanying application and is hereby incorporated by reference herein.

7. ☐ Enclosed is a Microfiche Computer Program (Appendix).

8. ☐ Enclosed is a Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary).

☐ Computer Readable copy

☐ Paper Copy (identical to computer copy)

☐ Statement verifying identity of above copies

9. ☒ Assignment Papers

☒ Copy of Assignment of the prior application.

☒ Copy of the Notice of Recordation of Assignment of the prior application.

10. ☒ Power of Attorney

☒ The power of attorney appears in the original papers of the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Information Disclosure Statement (IDS)

☒ Enclosed are copies of IDS Forms 1449 from the above-referenced prior application.

☒ The Commissioner is hereby specifically requested to make the Information Disclosure Statements, as well as any prior art of record in the prior application(s), of record in connection with this application.

12. Amendments

☒ A preliminary amendment is enclosed (11 pages).

☒ Cancel in this application original claim(s) 2-130 of the prior application before calculating the filing fee.

☒ Amend the specification by inserting before the first line the sentence: --This is a continuation of copending application Serial No. 09/479,458 filed January 6, 2000.--

13. ☒ Return Receipt Postcard

14. Small Entity Status

☐ A small entity statement is enclosed.

☒ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

☐ Is no longer claimed.

15. ☐ Priority of foreign application number , filed on in is claimed under 35 U.S.C. §§ 119(a)-(d)

16. ☐ Petition under 37 C.F.R. § 136 for Extension of Time

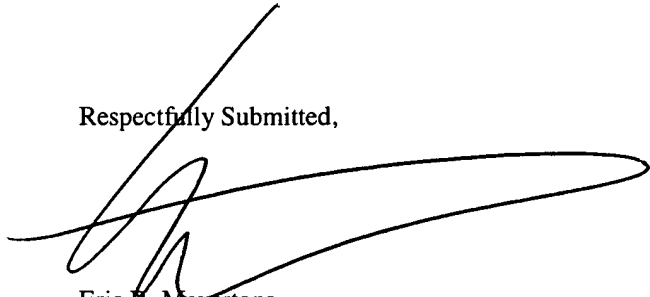
17. ☐ Other:

1001506-11501

Address all future correspondence to:

ERIC B. MEYERTONS
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
Phone: (512) 476-1400
Facsimile: (512) 703-1250

Respectfully Submitted,



Eric B. Meyertons
Reg. No. 34,876

CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
Phone: (512) 703-1254
Facsimile: (512) 703-1250

Date: 11/19/01

11/19/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown
 Filed: November 19, 2001
 Inventor(s):
 Freid, et al.

Examiner: Unknown
 Group/Art Unit: Unknown
 Atty. Dkt. No: 5259-03702

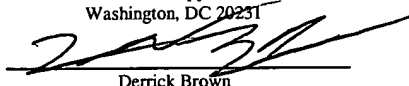
Title: SYSTEM AND METHOD
 FOR STABILIZING THE
 HUMAN SPINE WITH A
 BONE PLATE

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Commissioner for Patents
 Box Patent Application
 Washington, DC 20231


 Derrick Brown

FEE AUTHORIZATION

Commissioner for Patents
 Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fees to Conley, Rose &
 Tayon, P.C. Deposit Account Number 50-1505/5259-03702:

\$740.00 - Utility Patent Application Filing Fees; and

\$480.00 - Excess Claims Fees

Total Amount: \$850.00

Attorney Docket No.: 5259-03702

Freid, et al.

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number. If the above mentioned account is found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose & Tayon, P.C. Deposit Account Number 50-1623/5259-03702.

Respectfully submitted,

Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 703-1254 (voice)
(512) 703-1250 (facsimile)

Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Freid, et al.

Filed: Herewith

Title: SYSTEM AND METHOD FOR
STABILIZING THE HUMAN
SPINE WITH A BONE PLATE

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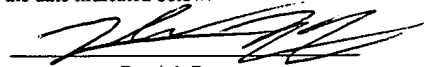
Group Art Unit: Unknown

Atty. Dkt.: 5259-03702

U.S. Express Mail Label No. EL764297890LIS

Date of Mailing: November 20, 2001

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as U.S. Express Mail in an envelope addressed to: Commissioner for Patents, BOX FILING DATE, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date indicated below:


Derrick Brown

REQUEST FOR ORIGINAL EXPRESS MAIL FILING DATE

Commissioner for Patents
BOX FILING DATE
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

An attempt was made to send the attached document via U.S. Express Mail, Label No. EL726370206US, on November 19, 2001. However, the U.S. Postal Service refused to accept the Express Mail package. Applicants respectfully request that the original filing date of November 19, 2001 be granted in the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Derrick Brown

Conley, Rose & Tayon
P.O. Box 398
Austin, TX 78767-0398

(512) 476-1400

Date: 11-20-01

FILED "90351001"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Freid, et al.

Filed: Herewith

Title: **SYSTEM AND METHOD FOR
STABILIZING THE HUMAN
SPINE WITH A BONE PLATE**

Group Art Unit: Unknown

Atty. Dkt.: 5259-03702

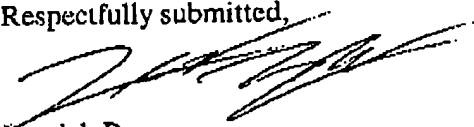
U.S. Express Mail Label No. EL7642978901/US
Date of Mailing: November 20, 2001I hereby certify that this correspondence is being deposited
with the U.S. Postal Service as U.S. Express Mail in an
envelope addressed to: Commissioner for Patents, BOX
FILING DATE, 2900 Crystal Drive, Arlington, VA 22202-
3513, on the date indicated below:
Derrick BrownJCS55 U.S. PTO
10/015206
11/19/01**REQUEST FOR ORIGINAL EXPRESS MAIL FILING DATE**Commissioner for Patents
BOX FILING DATE
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

I attempted to deposit the above-referenced patent application via U.S. Express Mail, Label No. EL726370206US, on November 19, 2001. However, the U.S. Postal Service refused to accept the Express Mail package on November 19, 2001. Applicants respectfully request that the original filing date of November 19, 2001 be granted in the above-referenced application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Derrick BrownConley, Rose & Tayon
P.O. Box 398
Austin, TX 78767-0398
(512) 476-1400
Date: 12/04/01

FAX RECEIVED

DEC 04 2001

PETITIONS OFFICE

Receipt date
granted
is 11/19/01.
J. Chang
from OP2A

700 Lavaca, Suite 800
Austin, Texas 78701
Phone: (512) 476-1400 Fax: (512) 703-1250

CONLEY, ROSE & TAYON, P.C.

Intellectual Property Law
Including
Patents, Trademarks, Copyrights
and Unfair Competition

FAXTo: Cindy NesslerFrom: Eric B. MeyertonsFax: 703-872-9672Pages: 2 (including cover sheet)Phone: 703-305-0271Date: December 4, 2001Re: 5259-03702Phone: 512-703-1254

● Comments:

FAX RECEIVED**DEC 04 2001****PETITIONS OFFICE**

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